

PATENT bel. #TB871194181US Attorney's Docket No.: 1560-00206

### COMBINED DECLARATION AND POWER OF ATTORNEY (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,

<del></del>			CONTINUA	ATION OR C	(IP) 			
As a below	named i	nventor, I hereby	declare tha	t:				
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The declarat	ion is of	the following type	pe: (check	one applica	ble item bel	nw)	•	
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		design	•					
		supplemental					-	
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		national state	of PCT					•
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WARNING:	if the ii	nventors are each no hip of all the claims a	of the inventor of the time the	rs of all the c last claimed in	laims, an expl evention was n	enetion of t	he facts, inclu be submitted.	ding th
nventor (if plu	, post of first and ural name	fice address and or sole inventor (if es are listed below name antitled:	citizenship :	are as stated	d below nex	t to my na	me. I belie	ve I an
			TITLE OF	NVENTION				
		VACC	INES EXPRI	ESSED IN P	LANTS			
		SPEC	IFICATION	IDENTIFICA	TION			
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•		d with the application	i pepers or, m	ine case of a :	tunniementel z	leclaration, a	re those emer	idment:

claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.



(c)	was described and claimed in PCT International Application Nofiled on
	and as amended under PCT Article 19 on
	ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
l her specification	reby state that I have reviewed and understand the contents of the above-identified , including the claims, as amended by any amendment referred to above.
l ack	nowledge the duty to disclose information
	which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56
	(also check the following items, if desired)
	and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
	in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.
	PRIORITY CLAIM (35 U.S.C. § 119)
at least one of below any f application(s)	by claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign for patent or inventor's certificate or of any PCT international application(s) designating country other than the United States of America listed below and have also identified oreign application(s) for patent or inventor's certificate or any PCT international designating at least one country other than the United States of America filed by me on oject matter having a filing date before that of the application(s) of which priority is
	(complete (d) or (e))
(d) 🔲	no such applications have been filed.
(e) ⊠	such applications have been filed as follows.
NOTE:	Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.
	A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
		·	☐ YES NO ☐
			☐ YES NO. □
			☐ YES NO ☐





### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

PCT/US94/02332	4 M	arch 1994		
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	PO	WER OF ATTORNEY	•	
I hereby appoint the transact all business in the registration number!	following att Patent and	orney(s) and/or agent(s) t Trademark Office connec	to prosecute the	is application and (List name and
Ned L. Conley Kevin L. Daffer Michael F. Heim Shawn Hunter Bruce Noël Kivlin C. Steven McDaniel	19,204 35,146 32,702 36,168 33,929 33,962	Gregory L. Maag Eric B. Meyertons Leslie V. Payne David A. Rose Jeffrey W. Tayon Marcella W. Watkins	32,363 34,876 P38,267 26,223 30,717 36,962	
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Attached as p above-named	art of this dec attorney(s) to	claration and power of att accept and follow instruc	corney is the autorions from my r	thorization of the epresentative(s).
SEND CORRESPONDENCE TO	)		DIRECT TELEPH (Name and te	ONE CALLS TO:
C. Steven McDaniel Conley, Rose & Tayon, P.C. CO. Box 3267 Couston, Texas 77253-3267	·		C. Steven McI (713) 238-801	Daniel
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#### **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, rb th, under Secti n 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity f the application r any patent issued thereon.





#### SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

IOIVEN NAMEL	JOEL	ARNTZEN
MI	IMIDDLE WITHAL OR NAME	FAMILY IOR LAST NAME
Inventor's signature:	a Clenty	
-		
Date:	Country of Cit	zenship:U.S.A
		2crisinp U.S.A
Residence: The Woodlands	s. Texas	
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Post Office Address: _58 Brid	geberry, The Woodlands, Texa	s 77381
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Full name of second joint inventor	r, if any:	
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(GIVEN KUKE)	MIDDLE DITTAL OR NUMB	EILIE V COR L COT NAME
-montanta		FAMILY (OR LAST NAME)
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Date:		<del></del>
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Residence: <u>The Woodlands</u>	z, Texas	
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### CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION

	Signature for fourth and subsequent joint inventors. Number of pages added:
	<b>★ ★ ★</b>
	Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
	* * *
	Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added
	* * *
	Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).
	* * *
Ø	Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.
	Number of pages added _1
	* * *
	Authorization of attorney(s) to accept and follow instructions from representative.
	#*# #
	(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:)
	☐ This declaration ends with this page.





# COMBINED DECLARATION AND POWER OF ATTORNEY (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

<del></del>	CONTINUATION OR CIP)
As a belo	w named inventor, I hereby declare that:
	TYPE OF DECLARATION
The declar	ration is of the following type: (check one applicable item below)
	original (Check one applicable item below)
	design
	supplemental
	- Spricing at the second secon
NC	TE: If the declaration is for an International Application being filed as a divisional, continuation or continuation part application, do <u>not</u> check next item; check appropriate one of local three in
•	part application, do <u>not</u> check next item; check appropriate one of last three items.
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	national state of PCT
NO	TE: If one of the following 3 items controls
,,,	TE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISION CONTINUATION OR CIP.
	☑ divisional
	continuation
	Continuation-in-part (CIP)
	INVENTORSHIP IDENTIFICATION
WARNING	: If the inventors are each and the
	f the inventors are each not the inventors of all the claims, an explanation of the facts, including to ownership of all the claims at the time the last claimed invention was made, should be submitted.
Margarida	stanted livertion was made, should be submitted
the original, inventor (if p is sought on	ce, post office address and citizenship are as stated below next to my name. I believe I a first and sole inventor (if only one name is listed below) or an original, first and join polural names are listed below) of the subject matter which is claimed and for which a pater
•	
	TITLE OF INVENTION
	VACCINES EXPRESSED IN PLANTS
	SPECIFICATION IDENTIFICATION
The specifica	ation of which: (complete (a), (b) or (c)
(a) 🔲	is attached hereto
(b) 🔯	was filed on June 7, 1995 as  Serial No. 08/479,742 and was amended by
•	Preliminary Amendment filed concurrently therewith.
NOTE:	
NOTE:	Amendments filed after the original papers are deposited with the PTO which contain new matter are no accorded a filing date by being referred to in the decleration.
	eccorded a filing date by being referred to in the declaration. Accordingly, the amendments involved and those filed with the application papers or, in the case of a supplemental declaration, are those amendments involved and claiming matter not encompassed in the original statement of invention or elements.





(c)	was described and claimed in PCT International Application No filed or
	if any).
	ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
l l specificati	hereby state that I have reviewed and understand the contents of the above-identified on, including the claims, as amended by any amendment referred to above.
	cknowledge the duty to disclose information
	which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56
	(also check the following items, if desired)
	and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
	in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.
	PRIORITY CLAIM (35 U.S.C. § 119)
at least one below any application(s	reby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign s) for patent or inventor's certificate or of any PCT international application(s) designating a country other than the United States of America listed below and have also identified foreign application(s) for patent or inventor's certificate or any PCT international s) designating at least one country other than the United States of America filed by me on ubject matter having a filing date before that of the application(s) of which priority is
(d) 🗆	(complete (d) or (e))
(e) 🖾	no such applications have been filed. such applications have been filed as follows.
NOTE:	Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.
• ••• • .	A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			☐ YES NO ☐
			☐ YES NO ☐
			☐ YES NO ☐





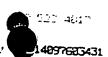
## ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

	NOTE: If the application filed me this application entering part, then also complete	ore than 12 month the United States NODED PAGES TO	hs from the filing date of this app as (1) the national state, or (2) a DCOMRINEO OSCI ADATOR	plication is a PCT filing forming the basis f continuation, divisional, or continuation-i D POWER OF ATTORNEY FOR DIVISIONA T application(s)
	GONTINUATION OR CIP	APPLICATION fo	r benefit of the prior U.S. or PC	D POWER OF ATTORNEY FOR DIVISIONAL T application(s) under 35 U.S.C. § 120.
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The first fact and the first fact.	Ned L. Conley Kevin L. Daffer Michael F. Heim Shawn Hunter Bruce Noël Kivlin C. Steven McDaniel	19,204 35,146 32,702 36,168 33,929 33,962	Gregory L. Maag Eric B. Meyertons Leslie V. Payne David A. Rose Jeffrey W. Tayon Marcella W. Watkins	32,363 34,876 P38,267 26,223 30,717 36,962
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SE		art of this dec attorney(s) to	la	orney is the authorization of the tions from my representative(s).
SE	ND CORRESPONDENCE TO			·
C.	Steven McDaniel		D	PIRECT TELEPHONE CALLS TO: (Name and telephone number)
Co P.(	nley, Rose & Tayon, P.C. D. Box 3267 uston, Texas 77253-3267		•	C. Steven McDaniel (713) 238-8010

#### **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by willful false statements may je pardize the validity of the application or any patent issued thereon.

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#### SIGNATURES!

NOTE: Curefully bedieste the facility for facti name of it should appear on the thing receipt and all other departments.

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# CHECK PROPER BUX(ES) FOR ANY OF THE FOLLOWING ADJUD PAGE(S) WHICH FORM A PART OF THIS DECLARATION

	Signature for fourth and subsequent joint inventors. Number of pages added:
	***
	Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
	***
×	Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added 1
	***
	Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).
	***
⊠	Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.  Number of pages added 1
	***
<u> </u>	Authorization of attorney(s) to accept and follow instructions from representative.
	***
	(If no further pages form a part of this Declaration, then end this Declaration with this page and Check the following item:)  This declaration ends with this page.





### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

§

APPLICANTS: Charles Joel Arntzen

Dominic Man-Kit Lam

³ § GROUPNO.:

SERIAL NO .:

08/479,742

\$

FILED:

June 7, 1995

EXAMINER:

§

FOR:

Vaccines Expressed in Plants

Attorney Docket No.: 1621-00206

Date: August 22, 1996

# TRANSMITTAL OF COMBINED DECLARATION AND POWER OF ATTORNEY OF CHARLES J. ARNTZEN

Assistant Commissioner for Patents Washington, DC 20231

Sir:

Transmitted herewith for filing in the above-identified matter is a Combined Declaration and Power of Attorney signed by Charles J. Arntzen, with a copy of the specification, claims, drawings and preliminary amendment attached. By this filing, Dr. Arntzen joins in the prosecution of this application, as provided under 37 C.F.R. § 1.47(b).

Applicants believe that no fee is due as a result of filing this paper. If the Commissioner deems that a fee is owing, please charge the same to Deposit Account No. 03-2769 of Conley, Rose & Tayon, P.C., Houston, Texas.

Respectfully submitted,

### CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being extached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class U.S. Mall in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

8-23-96

(Printed name of person mailing paper)

(Signature of person mailing paper)

C. Steven McDaniel Reg. No. 33,962

Conley, Rose & Tayon, P.C.

P. O. Box 3267

Houston, Texas 77253-3267

(713) 238-8010 Fax (713) 238-8008 ATTORNEY FOR APPLICANTS

PATENT

Attorney Docket: P00245USE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Arntzen, Charles J., et al.

ART UNIT: 1633

SERIAL NO:

(Continuation of 09/593,908)

EXAMINER: Drabic, C.

FILED:

TITLE:

VACCINES EXPRESSED IN PLANTS

## STATEMENT UNDER 37 C.F.R. § 3.73(b) ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

PRODIGENE, INC., the assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

An assignment from inventor Charles J. Arntzen to Terramed, Inc. was recorded in the PTO in the parent case (SN 07/750,049 filed August 26, 1991) at Reel/Frame 8138/0405 on September 26, 1996; from inventor Dominic Man-Kit Lam to Terramed, Inc. was recorded in the PTO in the parent case (08/479,742 filed June 7, 1995) at Reel/Frame 8763/0499 on October 7, 1997; from Terramed, Inc. to Prodigene, Inc. was recorded in the PTO in the parent case (SN 08/479,742 filed June 7, 1995) at Reel/Frame 8763/0450. on October 7, 1997.

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 Prior to 5:00 p.m. on the day of

Patricia E. Wilson

Express Mail Label # EL745292183US

Respectfully submitted,

Heidi S. Nebel, Reg. No. 37,719 ZARLEY, MCKEE, THOMTE, VOORHEES

& SEASE

801 Grand Avenue, Suite 3200 Des Moines, Iowa 50309 Phone No. (515) 288-3667 Fax No. (515) 288-1338

CUSTOMER NO: 22885

Attorneys of Record

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